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RUEAWJA/DEPT OF JUSTICE WASHDC

C O N F I D E N T I A L DHAKA 000775

NOFORN
SIPDIS

C O R R E C T E D COPY CAPTION
STATE FOR SCA/INSB AND DRL
JUSTICE FOR OIA HARRY MARSHALL AND JEFFREY OLSON

E.O. 12958: DECL: 08/04/2019
TAGS: [KJUS](#) [PHUM](#) [PREL](#) [CJAN](#) [PGOV](#) [PINR](#) [PINS](#) [BG](#)
SUBJECT: APPEALS OF 1975 MURDER/COUP CONVICTIONS MOVE

FORWARD; IMPLICATIONS RUN DEEP, INCLUDE SUSPECTS IN THE U.S.

REF: A. 1996 DHAKA 4423
[1](#)B. 1998 DHAKA 3159

Classified By: Ambassador James Moriarty for for reasons 1.4 b and d.

SUMMARY

[1](#)1. (C) Government prosecutors are finalizing arguments against five former military officers appealing death sentences for their leadership of the August 15, 1975 coup that killed then-President Sheikh Mujibur Rahman, senior members of his government and their families. With the coup anniversary approaching, Prime Minister Sheikh Hasina--one of Mujib's two surviving daughters--has made clear her determination to move ahead on cases against 15 people who prosecutors say conspired to assassinate Mujib and others. Two of these individuals are in the U.S., and a third was deported in 2007. Even after 34 years, this issue is highly charged with a potent mix of personal vengeance, political posturing and battling narratives of the nation's history. End Summary.

BACKGROUND

[1](#)2. (U) President Sheikh Mujibur "Mujib" Rahman, two loyal ministers and more than 30 household members were killed in an August 15, 1975, coup that toppled his government. The new regime granted immunity to the coup leaders and detained four senior GOB officials close to Mujib. The Mujib loyalists were killed in their cells on November 3, 1975, in reaction to a counter-coup, in what became known as the "jail killings." When Sheikh Hasina, one of Mujib's two surviving daughters, became Prime Minister after her Awami League's electoral victory in 1996, the GOB repealed the blanket immunity for coup leaders and moved ahead with charges(ref a). Four of 19 defendants charged with the August 1975 killings were acquitted, 15 were convicted and sentenced to death (including 10 in absentia). Three were subsequently acquitted in High Court review. All but one of the 13 people charged with the November jail killings of Mujib loyalists have been acquitted. While Sheikh Hasina's government intends to appeal the acquittals, many of the accused are outside Bangladesh.

DEATH SENTENCES REQUIRE SUPREME COURT CONFIRMATION

[1](#)3. (U) Since Hasina's 2008 return to power, GOB judicial authorities have taken steps to bring the cases to the Appellate Division of the Supreme Court, which must uphold

the death sentences before they can be carried out. In March and again in July 2009, the GOB appointed new judges to the Appellate Division to fill long-standing gaps that had delayed the process. In August 1 statements to the media, Chief State Counsel Anisul Huq said he would, in the coming weeks, petition the Appellate Division to begin hearing the appeals filed by the five convicted individuals who are in GOB custody. In statements to the media, defense lawyers have welcomed the hearings as an opportunity to prove their clients' innocence.

ACCUSED IN THE U.S.

¶4. (C/NOFORN) Many of the defendants were serving outside Bangladesh in the diplomatic service when PM Hasina first came to power in 1996 and lifted their immunity. Media reports indicate some of the accused sought asylum in Canada, Australia and other countries. At least three individuals sought refuge in the U.S. (Note. Per 8 CFR 208.6, information regarding asylum applications shall not be disclosed or discussed outside of internal USG communications. Information regarding asylum applications may not/not be shared outside the USG. End note.)

--Mohiuddin Ahmed: in 2005, the U.S. Ninth Circuit Court of Appeals upheld an Immigration Judge's earlier decision to deny Ahmed's request for political asylum in the U.S. In June 2007, U.S. Department of Homeland Security officials escorted Ahmed to Dhaka following his deportation, where GOB officials took Ahmed into custody.

--A.M. Rashed Chowdhury: in January 2008, the USDOJ's Board of Immigration Appeals upheld an Immigration Judge's decision granting political asylum to Rashed Chowdhury and his wife. Post is unaware of any information indicating that Chowdhury FORWARD; IMPLICATIONS RUN DEEP, INCLUDE SUSPECTS IN THE U.S.

has departed the U.S.

--Ahmed Shariful (alternate spelling "Sharful") Hossain: Ref ¶B. reported that Hossain was present in the U.S. in 1998. Hossain is the subject of ongoing U.S. immigration proceedings.

COMMENT: MORE THAN A MURDER TRIAL

¶5. (C) Hasina and the Awami League government will play up the significance of the August 15 anniversary of Mujib's murder. The Awami League website features stories on a planned "Month of Mourning", including Hasina's launch of a blood drive and other events marking the nation's continuing debt to Mujib. By contrast, a prominent Bangladeshi human rights activist, speaking to Poloff, dismissed the trials as "Awami League issues" of marginal concern to the broader populace.

¶6. (C) Although we agree that most Bangladeshis are focused on more pressing concerns, even after 34 years, the coup and related killings continue to divide Bangladesh. The bitter feud between Hasina and Khaleda Zia, head of the opposition Bangladesh National Party, which has defined Bangladesh's politics and stymied progress for the last two decades, has its origins in the events of August 15. We expect the USG to be drawn into the debate from both sides; the GOB will push for custody of those suspects still in the U.S., and critics of the trials, including Mohiuddin's family and supporters in the US, will question the USG's decision to deport him. Meanwhile, it appears that Bangladeshi Ambassador-designate to the U.S. Akramul Quader was chosen for his new assignment largely based on his success as then-Ambassador to Thailand in convincing the RTG to extradite Bazlul Huda, one of Mujib's alleged killers. End comment.
MORIARTY